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1955

December 22

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CONCORD, N.H.

Mr. Leonard S. Hill
Business Supervisor
Department of Administration and Control
State House
Concord, New Hampshire

Dear Mr. Hill:

You have raised several questions by your letter of December 21, 1955, respecting the appropriation of \$135,000.00 for the Laconia State School under chapter 337 of the Laws of 1955. The line item is entitled "Rehabilitation of Floyd, Keyes, Quimby, McLane and Baker Buildings." A footnote provides that "The amount of \$135,000.00 is to provide for complete rehabilitation of Laconia State School. A sufficient amount of this shall be used so that adequate sanitation facilities may be provided."

Replying to your specific questions it is my opinion that question numbered 1 must be answered in the affirmative. Webster's New International Dictionary, 2nd Edition, defines "rehabilitate" as being synonymous with "restore." Restore is defined as: "To bring back to, or put back into, the former or original state; to repair; to renew." Within this definition expenditures for any alterations which do more than to repair or renew existing facilities would be unauthorized.

In a like manner the answer to both parts of your question numbered 2 is "yes." The line item indicates no distinction between any of the buildings nor provides for any priority in the event that the appropriation should prove to be insufficient. It would appear that the intention was to provide for complete rehabilitation of the named buildings for the appropriated sum with the inclusion therein of adequate sanitation facilities. If it should develop that that

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GENERAL

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sum should prove to be insufficient no authority is provided for the selection of any particular building or buildings or for partial rehabilitation to the extent of the available money by the Board of Trustees. Such authority as exists lies with the Governor and Council as provided by section 4 of said chapter 337.

Regardless of the sufficiency of the appropriation for complete rehabilitation it is intended that adequate sanitation facilities be provided and this should be accomplished in any event.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/T
cc: Allan Pope
Comptroller